

**RESPONSE EXPEDITED UNDER 37 C.F.R. §1.116
EXPEDITED PROCEDURE
TECHNOLOGY CENTER 2800
Docket No. 29284/548**

REMARKS

Claims 1 and 3-15 are pending in this application. Claims 2 and 16 are cancelled. By this response amendments to claims 1, 3, 4, 6, 7, 8, 12, 13 and 15 are proposed. Entry of these amendments and allowance are respectfully requested.

Claims 1 and 3-11 have been rejected under 35 U.S.C. §103(a) as being unpatentable over EP 0 927 880 (EP '880) to Tomimatsu et al. Claims 12-15 have been rejected under 35 U.S.C. §103(a) as being unpatentable over '880 to Tomimatsu et al. in view of JP 2000-251820 (JP '820) to Masaru et al. Applicants respectfully traverse these rejections.

In the present claimed invention, the minute sample cut-out from the sample is supported by a probe and is rotated by the probe so that a section of the minute sample becomes perpendicular to an application direction of the electron beam. In this state, the electron beam is applied perpendicular to the section of the minute sample and observation is carried out.

In contrast, in Tomimatsu, which is relied upon in all of the rejections, as described in its abstract, a probe is firmly joined to the specimen during specimen separation from the substrate and then the probe transfers the specimen to the specimen holder to fix the specimen to the specimen holder. Subsequently, the probe is separated from the specimen and observation is carried out. That is, the probe does not rotate the specimen and observation is not carried out in the state in which the specimen is being held by the probe. The claimed arrangement does not require the operation of separating the probe from the minute sample.

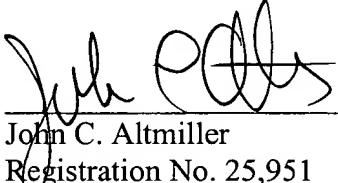
Thus, Applicants submit that, with entry of these amendments, all claims will be in condition for allowance. Thus, entry of these amendments and prompt notice of allowance is respectfully solicited.

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The Examiner is invited to call the undersigned at (202) 220-4200 to discuss any information concerning this application.

Applicants respectfully request a two-month Extension of Time to respond to the Office Action of August 13, 2003. The Commissioner is hereby authorized to charge the fee of \$420.00 for a Petition for Extension of Time under 37 C.F.R. §1.136(a) and any additional fees under 37 C.F.R. §1.16 or §1.17 or credit any overpayments to Deposit Account No. 11-0600.

Respectfully submitted,



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Date: January 13, 2004

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